

**CHAPTER NO. 826**

**SENATE BILL NO. 2073**

**By Harper, Burchett, Trail**

**Substituted for: House Bill No. 2739**

**By Kernell, Brooks, Cooper**

AN ACT To amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 65, Chapter 1, relative to the Tennessee Regulatory Authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-223(a), is amended by deleting item (39) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-228(a), is amended by adding a new item thereto, as follows:

( ) Tennessee Regulatory Authority, created by § 65-1-201;

SECTION 3. Tennessee Code Annotated, Section 65-1-201, is amended by deleting the section in its entirety and substituting instead the following language:

(a) There is created the Tennessee Regulatory Authority consisting of four (4) directors. The directors shall be appointed as follows: one (1) shall be appointed by the Governor, one (1) shall be appointed by the Speaker of the Senate, one (1) shall be appointed by the Speaker of the House of Representatives, and one (1) director shall be appointed by joint agreement among the Governor, the Speaker of the Senate and the Speaker of the House of Representatives. In making the appointments pursuant to this subsection, the Governor, the Speaker of the Senate and the Speaker of the House of Representatives shall strive to ensure that the Tennessee Regulatory Authority is composed of directors who are diverse in professional or educational background, ethnicity, geographic residency, heritage, perspective and experience.

(b) The directors of the authority shall be state officers and shall serve for six-year terms, except as provided in subsection (g) below.

(c) Every March 1 prior to the expiration of the terms of office of the directors thereafter, the Governor, the Speaker of the Senate, and the Speaker of the House of Representatives shall each appoint one (1) director of the Authority, and they shall jointly appoint one (1) director of the Authority.

(d) All appointments of the directors shall be confirmed by joint resolution adopted by each house of the General Assembly prior to the commencement of the term of office to which such director is appointed. However, the initial appointment of the director which is made by the joint agreement of all the appointing authorities shall not require confirmation by joint resolution during the session of the General Assembly in which such director is appointed and such director shall serve without confirmation unless such appointment is rejected by joint resolution of the General Assembly within thirty (30) days after the General Assembly convenes following such appointment. Thereafter, all directors shall be

confirmed by joint resolution adopted by each house of the General Assembly prior to the commencement of the term of office to which such director is appointed.

(e) Any vacancy on the authority shall be filled by the original appointing authority for such position to serve the unexpired term and such appointments shall be confirmed in the same manner as the original appointment. However, if the General Assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee to such vacancy shall serve the unexpired term, unless such appointment is not confirmed within thirty (30) days after the General Assembly convenes following the appointment to fill such vacancy.

(f) The term of office of each director shall commence on July 1, following such director's appointment.

(g) In order to stagger the terms of directors, the terms of directors appointed during 2008 to commence terms of office on July 1, 2008 shall expire as follows:

(1) The term of the director appointed by the Governor and the term of the director appointed by the joint agreement of all the appointing authorities shall expire on June 30, 2011.

(2) The term of the directors appointed by the Speaker of the House of Representatives and the Speaker of the Senate shall expire on June 30, 2014.

(3) Thereafter, all members shall serve six-year terms.

SECTION 4. Tennessee Code Annotated, Section 65-1-204, is amended by deleting the section in its entirety and substituting instead the following language:

(a) A majority of the Tennessee Regulatory Authority shall constitute a quorum for the transaction of business. The authority shall elect one of its directors to be Chair of the authority for a one-year term.

(b) The Tennessee Regulatory Authority shall establish policies for the efficient and economical internal management of the authority, to be administered by the Chair. The Chair shall be responsible for ensuring that policies established by the authority are fully executed by the staff of the authority.

(c) The Chair shall have the power and duty to conduct ordinary and necessary business in the name of the authority, such duties to include, but not be limited to the following:

(1) Serve as chief operating officer of the authority responsible for supervision and hiring of all joint staff members within the limits of available funds authorized by Chapter 305 of the Public Acts of 1955, and administer, monitor, and review the operating procedures of each division of the authority, ensuring that each employee and division of the authority fully executes in an efficient and economical manner, the separate duties assigned to each;

(2) Recommend to the authority such rules and policies as are necessary and appropriate to efficiently and economically provide for internal management of the authority;

(3) Coordinate the preparation of the report to the General Assembly as required by Tennessee Code Annotated, Section 65-1-211;

(4) Prepare and call the docket of items to be heard during each scheduled meeting of the authority;

(5) Keep the official full and correct record of all proceedings and transactions of the authority;

(6) Supervise the expenditure of funds and be responsible for complying with all applicable provisions of state and federal law in the receipt and disbursement of funds;

(7) Serve as the designated contact for all media inquiries to the authority; and

(8) Perform such other duties as the Tennessee Regulatory Authority may require or as may be required by statute.

(d) The Chair shall assign each matter before the Tennessee Regulatory Authority to a panel of three (3) voting members, from among the directors. The fourth voting member of the authority, who is not assigned to a particular panel shall not vote or deliberate regarding such matters. The authority shall establish reasonable procedures for rotating the directors for assignment to panels in an efficient manner. Such procedures shall ensure that all voting members of the authority serve on an equal number of panels in a random fashion, to the extent practicable.

SECTION 5. Tennessee Code Annotated, Section 65-1-205(a), is amended by deleting the following language ", and the compensation of the executive secretary shall be fixed by the authority as provided by law for other employees,".

Tennessee Code Annotated, Section 65-1-205(b), is amended by deleting the language "The three (3) directors and the executive secretary" and by substituting instead the language "The four (4) directors".

SECTION 6. Tennessee Code Annotated, Section 65-1-209, is amended by deleting it in its entirety.

SECTION 7. Confirmations of appointments made or begun prior to the effective date of this act shall remain in full force and effect and appointments made pursuant to such confirmations shall remain valid appointments.

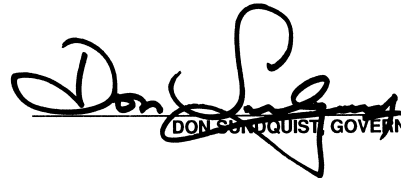
SECTION 8. This act shall take effect July 1, 2002, the public welfare requiring it.

**PASSED: June 30, 2002**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 30<sup>th</sup> day of June 2002**

  
DON SUNDQUIST, GOVERNOR